

State of Arizona  
Senate  
Forty-eighth Legislature  
Second Regular Session  
2008

Senate Engrossed  
**FILED**  
**JANICE K. BREWER**  
**SECRETARY OF STATE**

CHAPTER 22

## **SENATE BILL 1049**

AN ACT

AMENDING SECTION 13-3623.01, ARIZONA REVISED STATUTES; RELATING TO SAFE  
HAVENS FOR NEWBORN INFANTS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 13-3623.01, Arizona Revised Statutes, is amended to  
3 read:

4 13-3623.01. Safe haven for newborn infants; definitions

5 A. A person is not guilty of abuse of a child pursuant to section  
6 13-3623, subsection B solely for leaving an unharmed newborn infant with a  
7 safe haven provider.

8 B. A FIRE STATION AND A HEALTH CARE INSTITUTION THAT IS CLASSIFIED BY  
9 THE DEPARTMENT OF HEALTH SERVICES PURSUANT TO SECTION 36-405 AS A HOSPITAL OR  
10 AN OUTPATIENT TREATMENT CENTER SHALL POST A NOTICE THAT IT ACCEPTS A NEWBORN  
11 INFANT PURSUANT TO THIS SECTION AT ALL ENTRANCES. THE NOTICE SHALL BE PLACED  
12 ON THE EXTERIOR OF THE BUILDING IN A LOCATION THAT IS NOTICEABLE TO THE  
13 PUBLIC. THE NOTICE SHALL BE PRINTED IN BOLD FACED CAPITAL LETTERS THAT ARE  
14 NOT LESS THAN TWO INCHES IN HEIGHT. THE NOTICE MAY INCLUDE AN IDENTIFYING  
15 LOGO. A FIRE STATION, HOSPITAL OR OUTPATIENT TREATMENT CENTER THAT DOES NOT  
16 POST A NOTICE AS PRESCRIBED BY THIS SUBSECTION IS NOT SUBJECT TO CIVIL  
17 LIABILITY.

18 ~~B.~~ C. If a parent or agent of a parent voluntarily delivers the  
19 parent's newborn infant to a safe haven provider, the safe haven provider  
20 shall take custody of the newborn infant if both of the following are true:

21 1. The parent did not express an intent to return for the newborn  
22 infant.

23 2. The safe haven provider reasonably believes that the child is a  
24 newborn infant.

25 ~~C.~~ D. The safe haven provider shall report the receipt of a newborn  
26 infant to child protective services of the department of economic security as  
27 soon as practicable after taking custody of the newborn infant. Child  
28 protective services shall report the number of newborn infants delivered to  
29 safe haven providers pursuant to section 8-526.

30 ~~D.~~ E. A parent or agent of a parent who leaves a newborn infant with  
31 a safe haven provider may remain anonymous, and the safe haven provider shall  
32 not require the parent or agent to answer any questions. A safe haven  
33 provider shall offer written information about information and referral  
34 organizations.

35 ~~E.~~ F. A safe haven provider who receives a newborn infant pursuant to  
36 this section is not liable for any civil or other damages for any act or  
37 omission by the safe haven provider in maintaining custody of the newborn  
38 infant if the safe haven provider acts in good faith without gross  
39 negligence.

40 ~~F.~~ G. This section does not preclude the prosecution of the person  
41 for any offense based on any act not covered by this section.

42 ~~G.~~ H. For the purposes of this section:

43 1. "Newborn infant" means an infant who is seventy-two hours old or  
44 younger.

- 1           2. "Safe haven provider" means any of the following:  
2           (a) A firefighter who is on duty.  
3           (b) An emergency medical technician who is on duty.  
4           (c) A staff member at a health care institution that is classified by  
5 the department of health services pursuant to section 36-405 as a hospital or  
6 an outpatient treatment center.  
7           (d) A staff member or volunteer at any of the following that posts a  
8 public notice that it is willing to accept a newborn infant pursuant to this  
9 section:  
10           (i) A private child welfare agency licensed pursuant to title 8,  
11 chapter 5, article 1.  
12           (ii) An adoption agency licensed pursuant to section 8-126.  
13           (iii) A church. For the purposes of this item, "church" means a  
14 building that is erected or converted for use as a church, where services are  
15 regularly convened, that is used primarily for religious worship and  
16 schooling and that a reasonable person would conclude is a church by reason  
17 of design, signs or architectural or other features.

APPROVED BY THE GOVERNOR APRIL 14, 2008.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 14, 2008.